

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DONNA RENA ELLIS UNSER,)
)
 Plaintiff,)
)
v.) CIV-20-1120-JD
)
)
CONSTITUTION, et al.,)
)
 Defendants.)

REPORT AND RECOMMENDATION

With her Complaint filed November 5, 2020, Plaintiff has filed a motion for leave to proceed *in forma pauperis* and supporting affidavit. The matter has been referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. §636(b)(1)(B). Having reviewed said motion and affidavit, the undersigned finds that Plaintiff has sufficient financial resources to pay the filing fee. Because she does not qualify for authorization to proceed without prepayment of the filing fee, Plaintiff's motion should be denied, and she should be required to pay the full filing fee for this action to proceed.

RECOMMENDATION

Based on the foregoing findings, it is recommended that the motion for leave

to proceed *in forma pauperis* be DENIED and the action be dismissed without prejudice unless Plaintiff pays the full filing fee to the Clerk of the Court by November 26th, 2020. Plaintiff is advised of her right to file an objection to this Report and Recommendation with the Clerk of this Court by November 26th, 2020, in accordance with 28 U.S.C. §636 and LCvR 72.1. The failure to timely object to this Report and Recommendation would waive appellate review of the recommended ruling. Moore v. United States of America, 950 F.2d 656 (10th Cir. 1991); cf. Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996) (“Issues raised for the first time in objections to the magistrate judge’s recommendation are deemed waived.”).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 6th day of November, 2020.



GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE

